

UNITED STATES OF AMERICA)
)
 vs.)
) Mag. No. 1-09-MJ-337
 DAVID M. PHILLIPS)

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing and detention hearing were held in this action on September 1, 2009. Those present included:

- Detention Hearing and Preliminary Hearing - Proof

Findings

- (1) There is probable cause to believe that there have been violations of 21 U.S.C. § 841(a)(1) and (b)(1)(B), possession with the intent to distribute five grams of methamphetamine or more than fifty grams of a mixture and substance containing methamphetamine, committed in the Eastern District of Tennessee.
- (2) There is probable cause to believe the defendant committed the aforesaid offenses.

(3) The proof the defendant committed the aforesaid offenses is strong.

(4) There are no conditions nor are there any combination of conditions which will reasonably assure the safety of the community or the presence of the defendant at future hearings.

Conclusions

It is ORDERED:

(1) The defendant is held to answer the charges against him in the District Court.

(2) AUSA Bay's motion to detain the defendant without bail is GRANTED for reasons set out in the separate ORDER OF DETENTION PENDING TRIAL filed with this order.

(3) The defendant's next appearance shall be before the undersigned magistrate judge at **10:00 a.m. on Thursday, September 10, 2009.**

ENTER.

Dated: September 2, 2009

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE